THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.27559 of 1997
Date: 23-03-2007

Between:
B.H.Anjaneyulu

Petitioner

And

The Executive Director, A.P.S.R.T.C., Nellore Zone,
Nellore and two others

Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.27559 of 1997

ORDER:

1. This writ petition has been instituted calling in question the correctness of the orders passed on 8th September,1997 by the Deputy Chief Personnel Manager of the A.P.S.R.T.C. Nellore Zone rejecting the request of the writ petitioner to correct the date of birth recorded in the service register of the writ petitioner from 02-11-1940 to 01-04-1942.

2. Since there is no representation on behalf of the writ petitioner, the matter has been posted for dismissal and yet there is no representation hence perused the record available and the counter affidavit filed in this case.

3. The writ petitioner while working on a private bus service came to be absorbed in to the service of the respondent corporation as Controller on 03-11-1960. Since he did not have any formal proceedings, to vouch safe his correct date of birth, he was subjected to medical examination which revealed his age to be 20 years. On that basis it was recorded in his service register that his date of birth as 2.11.1940 at the time he entered the service of the Respondent Corporation. Hence, he was sought to be retired from the service of the respondent corporation at the end of November,1998 on attaining the age of superannuation of 58 years. However, the writ petitioner for the first time submitted a representation on 16-08-1997 enclosing thereto a copy of the duplicate transfer certificate issued by the School where he has last studied.

This duplicate certificate has been secured on 12-11-1996 and in that his date of birth has been recorded as 1st April, 1942. However, in the impugned order, it has been pointed out that at the time of his recruitment, he was treated as 20 years old and on that basis he was sought to be retired after having rendered 38 years of service to the respondent corporation in November, 1998 and therefore, it is not open to the petitioner to unilaterally seek alteration of the terms of the contract of employment, that too at the fag end of his service.

4. The learned standing counsel for the respondent corporation has pointed out that the writ petitioner had since retired from the service of the corporation by the end of November,1998. He had also pointed out that till August,1997, which is few months from his actual and impending date of retirement, the writ petitioner had not contraverted the correctness of the entries made in his service register from 1960 onwards, even though the petitioner is aware of the fact that his service register contained the entry relating to his date of birth. Therefore, for the extraordinary delay that had occasioned on the part of the writ petitioner in seeking correction of the entry relating to his date of birth in service record, the writ petition does not deserve to be considered. This apart, the learned standing counsel has also pointed out that there are no bonafides behind the claim made by the writ petitioner inasmuch as on his own showing, the transfer certificate which was obtained from the School where he last studied was a duplicate transfer certificate thus implying that he had obtained original transfer certificate some time in the past. Therefore, if the writ petitioner himself was in the know of the entry relating to the date of birth in his school records, he cannot sleep over the same without agitating promptly for the correction to be carried out in his service register. This apart, though the duplicate transfer certificate was obtained

on 12-11-1996 the writ petitioner himself has not moved in the matter till 16th August,1997. Thus at every stage, the writ petitioner was lax and has not bothered to agitate about any of his rights, leaving any amount of suspicion about the genuineness and correctness of the claim.

5. It is a salutary principle followed by the employers not to entertain claims relating to correction of the dates of birth on the part of it's employees who are just about to attain the age of superannuation. Any organization plans it's manpower deployment based upon varying factors, which also include their possible retirements. Therefore, entertaining any last minute claims for correction of the entries relating to the date of birth in service register will have adverse consequences on the career prospect of the other employees and also the strategies of manpower deployment to be followed by the employer concerned. Thus looking at it from both angles the writ petition deserves to be dismissed as it does not have any merit as the action of the respondents in rejecting to entertain the claim of the writ petitioner few months away from his eventual date of retirement cannot be faulted with.

6. The writ petition is dismissed, but however, without costs.

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NOOTY RAMAMOHANARAO, J

23-03-2007
Stp